

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

	)	
TIMOTHY PIGFORD, <u>et al.</u> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 97-1978 (PLF)
	)	
ANN VENEMAN, Secretary,	)	
United States Department of Agriculture,	)	
	)	
Defendant.	)	
	)	
	)	
CECIL BREWINGTON, <u>et al.</u> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 98-1693 (PLF)
	)	
ANN VENEMAN, Secretary,	)	
United States Department of Agriculture,	)	
	)	
Defendant.	)	
	)	

ORDER

Plaintiffs filed a motion to show cause on October 31, 2001, alleging that defendant violated the Consent Decree by failing to make payment to seven successful Track A claimants in this case, whose claims had been approved over 300 days prior to the motion. In her opposition, defendant asserts that plaintiffs' motion itself violates ¶ 13 of the Consent Decree and must be denied, because class counsel did not give defendant 45 days confidential written notice describing in detail the alleged Consent Decree violation. See Defendant's Opposition to Plaintiff's Motion to Show Cause at

1. In response, plaintiffs state that their motion was intended only “to inform the Court of this problem.”

Plaintiff’s Motion at 2.

The Court certainly is concerned about defendant’s alleged delay in paying successful claimants and agrees with plaintiffs’ assertion that claimants should not have to wait a year or more to get paid after being awarded relief. See Plaintiff’s Motion at 2. At the same time, the Court remains mindful that the 45-day notice requirement in ¶ 13 of the Consent Decree was included for good reason. Advance notice to opposing counsel is required in order to ensure that the parties attempt to resolve claims of Consent Decree violation before coming to Court for resolution. It is neither efficient nor effective for the parties to file a motion every time a dispute arises around implementation of the Consent Decree. This instance is a perfect example: since the filing of plaintiffs’ motion, the Monitor has informed the Court that the government has made significant progress in paying successful Track A claimants, including all those named in plaintiffs’ motion. At this time, therefore, plaintiffs’ motion appears to be not only untimely but unnecessary. For these reasons it is hereby

ORDERED that plaintiffs’ motion for order to show cause is DENIED without prejudice. Plaintiffs may refile the motion in the future if the issue of late payment remains a problem, and provided that they have complied with the notice requirements contained in ¶ 13 of the Consent Decree.

SO ORDERED.

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PAUL L. FRIEDMAN  
United States District Judge

DATE: